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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,086	06/25/2003	Yoshiyuki Kaku	9475/0M771US0	5380
7278	7590	02/14/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			VAN, LUAN V	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/607,086

Applicant(s)

KAKU ET AL.

Examiner

Luan V. Van

Art Unit

1753

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: In the arguments presented on page 3 of the remarks file on January 18, 2006, the applicant states "Tanaka clearly discloses that when metal wires are substituted with plastic wires 'it is necessary to apply electroless plating based on, for example, nickel or silver, in order to give conductivity to the surface.' (Tanaka, column 9, lines 57-59.) Without this conductive plating it will not be possible for Tanaka to electroform the ferrule around the plastic wire." The examiner respectfully disagrees with the latter conclusion. There is no evidence to support the conclusion that without the electroless plating it will not be possible to electroform the ferrule around the plastic wire. In fact, the conclusion contradicts the disclosure of Tanaka et al., since Tanaka et al. teach that plastic wires made of nylon, polyester, or Teflon (column 9 lines 52-56) are suitable for electroforming. Tanaka et al. teach "it is necessary to apply electroless plating...in order to give conductivity to the surface." This conductivity is provided in order that "the extracting mold release is easily performed for the electroformed product" (column 9 lines 52-63)." The disclosure does not state that the electroless plating is necessary for electroforming. This point is supported by the following quote in its entirety:

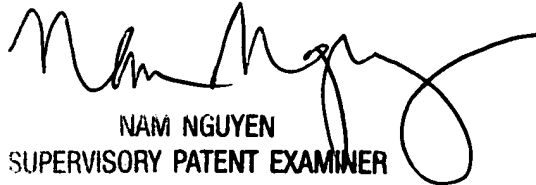
it is necessary to apply electroless plating based on, for example, nickel or silver, in order to give conductivity to the surface. It is advantageous to use conductive plastic. In this case, when the electric power is applied to the conductive plastic to heat it after the electroforming, the extracting mold release is easily performed for the electroformed product. (column 9 lines 52-63).

Furthermore, Tanaka et al. disclose "In the case of the metal wire applied with solder plating and the plastic wire applied with electroless plating, the wire may be extracted in the same manner as described above without performing the mold release treatment" (column 10 lines 61-64). This statement clearly supports that the electroless plating on Tanaka's wire member 9 facilitates the extraction of the wire, since the plastic wire applied with electroless plating may be extracted without the mold release treatment as clearly disclosed by Tanaka et al.

With respect to the argument presented on page 4, the applicant states that "One of ordinary skill in the art at the time of the invention would know that a conductive outer surface is required in order for material to electroform on the surface of the wire members." The examiner respectfully disagrees. As stated above, Tanaka et al. clearly teach that plastic wires made of nylon, polyester, or Teflon (column 9 lines 52-56) are suitable for electroforming. Tanaka et al. teach "it is necessary to apply electroless plating [to the plastic wire]...in order to give conductivity to the surface." This conductivity is provided in order that "the extracting mold release is easily performed for the electroformed product" (column 9 lines 52-63)." The disclosure does not state that the electroless plating is necessary for electroforming.

The applicant further concludes on page 4 that "Tanaka discloses that the conductive plastic facilitates the easy removal of the wire and not the electroless plating." The examiner respectfully disagrees. It is the electroless plating on the plastic wire that makes the wire a conductive plastic. The extracting mold release is easily performed, because the electroless plating on the plastic wire provides conductivity to the surface of the wire which allows the electric power to be applied to the conductive plastic wire to heat it after the electroforming (column 9 lines 52-63). As indicated above, Tanaka et al. disclose "In the case of the metal wire applied with solder plating and the plastic wire applied with electroless plating, the wire may be extracted in the same manner as described above without performing the mold release treatment" (column 10 lines 61-64). This statement clearly supports that the electroless plating on Tanaka's wire member 9 facilitates the extraction of the wire, since the plastic wire applied with electroless plating may be extracted without the mold release treatment as clearly disclosed by Tanaka et al.

Furthermore, the claims recite the limitation of "comprising the steps of". This limitation is broadly interpreted to include additional steps, including an electroless plating step. Nevertheless, the applicant's arguments in view of the disclosure of Tanaka et al. have been fully considered but they are not persuasive. The applicant believes that he has met the requirement of establishing a prima facie case of obviousness.

  
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